

28/11

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
 US Department of Commerce
 United States Patent and Trademark
 Office, PCT
 2011 South Clark Place Room
 CP2/5C24
 Arlington, VA 22202
 ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

| | |
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| Date of mailing (day/month/year) 15 May 2001 (15.05.01) | |
| International application No. PCT/AU00/01126 | Applicant's or agent's file reference 2338370/MJC |
| International filing date (day/month/year) 15 September 2000 (15.09.00) | Priority date (day/month/year) 16 September 1999 (16.09.99) |
| Applicant KRIPPNER, Guy et al | |

1. The designated Office is hereby notified of its election made:

in the demand filed with the International Preliminary Examining Authority on:

02 April 2001 (02.04.01)

in a notice effecting later election filed with the International Bureau on:

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2. The election was

was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO
 34, chemin des Colombettes
 1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

Authorized officer

Charlotte ENGER

Telephone No.: (41-22) 338.83.38

PATENT COOPERATION TREATY
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INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

RECD 19 JUL 2001

PCT

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|---|---|--|--|
| Applicant's or agent's file reference 2338370/MJC/wm | FOR FURTHER ACTION | See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416). | |
| International Application No. PCT/AU00/01126 | International Filing Date (day/month/year) 15 September 2000 | Priority Date (day/month/year) 16 September 1999 | |
| International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ C07D 413/14, 413/12, 403/12, 409/12, 401/14; A61K 31/42, 31/496, 31/4245, 31/501, 31/787; A61P 31/16, 31/12; G01N 33/536 | | | |
| Applicant BIOTA SCIENTIFIC MANAGEMENT PTY LTD et al | | | |

| | | | |
|------|---|--|--|
| 1. | This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36. | | |
| 2. | This REPORT consists of a total of 3 sheets, including this cover sheet. <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of sheet(s). | | |
| 3. | This report contains indications relating to the following items: | | |
| I | <input checked="" type="checkbox"/> Basis of the report | | |
| II | <input type="checkbox"/> Priority | | |
| III | <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | | |
| IV | <input type="checkbox"/> Lack of unity of invention | | |
| V | <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | |
| VI | <input type="checkbox"/> Certain documents cited | | |
| VII | <input type="checkbox"/> Certain defects in the international application | | |
| VIII | <input type="checkbox"/> Certain observations on the international application | | |

| | |
|---|---|
| Date of submission of the demand 2 April 2001 | Date of completion of the report 29 June 2001 |
| Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929 | Authorized Officer L.F. MCCAFFERY Telephone No. (02) 6283 2573 |

I. Basis of the report

1. With regard to the elements of the international application:*

the international application as originally filed.

the description, pages , as originally filed,
 pages , filed with the demand,
 pages , received on with the letter of
 the claims, pages , as originally filed,
 pages , as amended (together with any statement) under Article 19,
 pages , filed with the demand,
 pages , received on with the letter of
 the drawings, pages , as originally filed,
 pages , filed with the demand,
 pages , received on with the letter of
 the sequence listing part of the description:
 pages , as originally filed
 pages , filed with the demand
 pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

the language of publication of the international application (under Rule 48.3(b)).

the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, was on the basis of the sequence listing:

contained in the international application in written form.

filed together with the international application in computer readable form.

furnished subsequently to this Authority in written form.

furnished subsequently to this Authority in computer readable form.

The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4. The amendments have resulted in the cancellation of:

the description, pages

the claims, Nos.

the drawings, sheets/fig.

5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

| | | |
|-------------------------------|-----------------------|-----|
| Novelty (N) | Claims 1 to 32 | YES |
| | Claims | NO |
| Inventive step (IS) | Claims 1 to 32 | YES |
| | Claims | NO |
| Industrial applicability (IA) | Claims 1 to 32 | YES |
| | Claims | NO |

2. Citations and explanations (Rule 70.7)

None of the citations raised in the International Search Report discloses or suggests compounds that contain two capsid-binding moieties. Accordingly the present claims are considered novel and inventive.

The claims are considered industrially applicable.

INTERNATIONAL SEARCH REPORT

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|---|
| International application No. PCT/AU00/01126 |
|---|

A. CLASSIFICATION OF SUBJECT MATTER

Int. Cl. ⁷: C07D 413/14, 413/12, 403/12, 409/12, 401/14; A61K 31/42, 31/496, 31/4245, 31/501, 31/787; A61P 31/16, 31/12; G01N 33/536

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
STN Files WPIDS, Medline, CA; Keywords and Substructure

C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category* | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|-----------|---|-----------------------|
| X | WO, 99/29908, A (The President & Fellows of Harvard College), 17 June 1999. See entire document. | 1 to 33 |
| X | WO, 99/29280, A (The President & Fellows of Harvard College), 17 June 1999. See entire document. | 1 to 33 |
| X | US, 5637708, A (J. M. Hogle <i>et al.</i>) 10 June 1997. See entire document. | 1 to 33 |

Further documents are listed in the continuation of Box C See patent family annex

| | |
|---|--|
| * Special categories of cited documents: | |
| "A" document defining the general state of the art which is not considered to be of particular relevance | "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention |
| "E" earlier application or patent but published on or after the international filing date | "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone |
| "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) | "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art |
| "O" document referring to an oral disclosure, use, exhibition or other means | "&" document member of the same patent family |
| "P" document published prior to the international filing date but later than the priority date claimed | |

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| Date of the actual completion of the international search 6 November 2000 | Date of mailing of the international search report 23 NOV 2000 |
| Name and mailing address of the ISA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929 | Authorized officer L.F. McCAFFERY Telephone No : (02) 6283 2573 |

INTERNATIONAL SEARCH REPORT

International application No.

PCT/AU00/01126

Box I Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. Claims Nos :
because they relate to subject matter not required to be searched by this Authority, namely:

2. Claims Nos : **1 to 17, 19 to 33 (all in part)**
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
These claims use the term "capsid-binding moiety." The scope of this term cannot be established with regards to exactly what moieties may be considered capsid-binding. Even given the exemplification of previous anti-viral compounds, it cannot be ascertained whether all or part of such compounds would achieve the desired binding.
3. Claims Nos :
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a)

Box II Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims
2. As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:

4. No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

The additional search fees were accompanied by the applicant's protest.

No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT
Information on patent family members

International application No.
PCT/AU00/01126

This Annex lists the known "A" publication level patent family members relating to the patent documents cited in the above-mentioned international search report. The Australian Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

| Patent Document Cited in Search Report | | | | Patent Family Member |
|--|----------|----|----------|----------------------|
| WO | 99/29280 | AU | 18181/99 | |
| WO | 99/29908 | AU | 17235/99 | |

END OF ANNEX